

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

***AIR QUALITY PERMIT***

**Permittee Name:** BP Exploration and Oil, Inc.  
**Mailing Address:** BP Oil Pipeline Company  
200 Public Square, 7-T  
Cleveland, Ohio 44114

**is authorized to operate a pipeline breakout station and barge loading facility**

**Facility Location:** 409 River Road (KY, Route 8)  
**Facility Name:** Bromley Pipeline Facility  
**Mailing Address:** BP Oil Pipeline Company  
12011 Hamilton Avenue  
Cincinnati, Ohio 45231

**PERMIT TYPE:** Federally-Enforceable Title V  
And Conditional Major for HAPS  
**Review Type:** SIP  
**Permit Number:** V-97-012  
**Log Number:** F047  
**Facility ID #:** 079-2020-0016  
**FINDS Number:** KYD980228738  
**SIC Code:** 5171

**Region:** Florence  
**County:** Kenton

**Issuance Date:** October 17, 1997  
**Expiration Date:** October 17, 2002

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**John E. Hornback, Director**  
**Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be administratively and technically complete, the Kentucky Division for Air Quality hereby authorizes the operation of the processing and air pollution control equipment described herein in accordance with the plans, specifications, permit application, and other information submitted by the permittee. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, alter, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**Emission Point(s):** KYEIS #: **01, 02, 03, 04, 05, 06, 07, 08**  
Applicant #: 901, 902, 903, 904, 905, 906, 907, 908

**Affected Facilities:** **01 -** Tank 901:  
All tanks constructed prior to June 11, 1973. Domed External Floating Roof Storage Tank  
(Primary & Secondary Seals)  
Capacity: 1,568,700 gallons (5,938 m<sup>3</sup>)

**02 -** Tank 902  
Domed External Floating Roof Storage Tank  
(Primary & Secondary Seals)  
Capacity: 2,481,906 gallons (9,395 m<sup>3</sup>)

**03 -** Tank 903  
Domed External Floating Roof Storage Tank  
(Primary & Secondary Seals)  
Capacity: 2,517,228 gallons (9,529 m<sup>3</sup>)

**04 -** Tank 904  
*Fixed* Roof Storage Tank  
Capacity: 3,171,000 gallons (12,004 m<sup>3</sup>)

**05 -** Tank 905  
*Fixed* Roof Storage Tank  
Capacity: 764,400 gallons (2,894 m<sup>3</sup>)

**06 -** Tank 906  
Domed External Floating Roof Storage Tank  
(Primary & Secondary Seals)  
Capacity: 1,097,838 gallons (4,156 m<sup>3</sup>)

**07 -** Tank 907  
Domed External Floating Roof Storage Tank  
(Primary & Secondary Seals)  
Capacity: 1,955,058 gallons (7,401 m<sup>3</sup>)

**08 -** Tank 908  
Domed External Floating Roof Storage Tank  
(Primary & Secondary Seals)  
Capacity: 3,519,348 gallons (13,322 m<sup>3</sup>)

**APPLICABLE REGULATIONS:**

401 KAR 61:050, *Existing Storage Vessels for Petroleum Liquids*.

\* - Conditions to preclude major source status for HAPS.

**1. Operating Limitations:**

Tanks 901, 902, 903, 906, 907 and 908 shall comply with the requirements of Regulation 401 KAR 61:050, Section 3, (1,3) *Standard for (Hgt) and* Section 4, *Operating Requirements*.

## **SECTION B - Continued**

If liquids with vapor pressures in excess of 11.1 psia are stored, the tank shall comply with the requirements 401 KAR 61:050, Section 3(2) *Standard for (Hgt)*.

Liquids with vapor pressures in excess of 1.5 psia shall not be stored in tanks 904 or 905.

\* - Primary and secondary seals as described by the application in response to which this permit was issued shall be maintained on these tanks at all times when liquids with vapor pressures in excess of 1.5 psia, but less than 11.1 psia, are stored.

**2. Emission Limitations:**

See SECTION D 1 of SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS.

**3. Testing Requirements:**

NA

**4. Specific Monitoring Requirements:**

NA

**5. Specific Record Keeping Requirements:**

NA

**6. Specific Reporting Requirements:**

NA

**7. Specific Control Equipment Operating Conditions:**

Tanks 901, 902, 903, 906, 907 and 908 shall comply with the requirements of Regulation 401 KAR 61:050, Section 4 (1-3), *Operating requirements*.

**8. State-Origin Requirements:**

NA

**9. Alternate Operating Scenarios:**

NA

**10. Compliance Schedule:**

NA

**SECTION B - Continued**

**11. Compliance Certification Requirements:**

See SECTION D 1 of SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Point(s):** KYEIS #: **09, 10**  
Applicant #: 911, 912

**Affected Facilities:** **09 -** Tank 911:  
Internal Floating Roof Storage Tank  
(Primary Seal Only)  
Capacity: 37,380 gallons (142 m<sup>3</sup>)

**list Construction dates**  
**10 -** Tank 912:  
Internal Floating Roof Storage Tank  
(Primary Seal Only)  
Capacity: 30,282 gallons (115 m<sup>3</sup>)

**APPLICABLE REGULATIONS:**

401 KAR 59:050, *New storage vessels for petroleum liquids.*

\* - Conditions to preclude major source status for HAPS.

**1. Operating Limitations:**

Tanks 911 and 912 shall be equipped with a submerged fill pipe in accordance with Regulation 401 KAR 59:050, Section 3(2), *Standard for Volatile Organic Compounds* and Section 4, *Operating Requirements*.

\* - These tanks shall be equipped with internal floating roofs with, at a minimum, primary seals.

**2. Emission Limitations:**

See SECTION D 1 of SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS.

**3. Testing Requirements:**

\* - Tanks 911 and 912 shall comply with the requirements of Regulation 401 KAR 59:050, Section 6, Testing and Procedures, that pertain to primary seals.

**Specific Monitoring Requirements:**

NA

**5. Specific Record keeping Requirements:**

NA

**6. Specific Reporting Requirements:**

NA

**SECTION B - Continued**

**7. Specific Control Equipment Operating Conditions:**

Tanks 911 and 912 shall comply with the requirements of Regulation 401 KAR 59:050, Section 4 (1-2), *Operating requirements*.

**8. State-Origin Requirements**

NA

**9. Alternate Operating Scenarios:**

NA

**10. Compliance Schedule:**

NA

**11. Compliance Certification Requirements:**

See SECTION D 1 of SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS.



**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Point(s):** KYEIS #: **11, 12**  
Applicant #:

**Affected Facilities:** **11 -** Barge Loading Rack  
**12 -** Pipeline Components:  
LL Valves: 107  
LL Pumps: 4  
Connectors: 282

**APPLICABLE REGULATIONS:**

401 KAR 50:012, *General Application*.

\*\* - Conditions to preclude the applicability of Non-CTG RACT and major source status for HAPS.

**1. Operating Limitations:**

\*\* - The amount of gasoline loaded onto barges or other marine vessels shall not exceed 55,000,000 gallons per year. No gasoline with a weight percentage greater than 15 % MTBE shall be loaded onto barges.

\*\* - The total amount of Distillate (e.g. Jet A Turbine Fuel and similar fuels with vapor pressure less than or equal to that of Jet A) loaded onto barges or other marine vessels shall not exceed 84,000,000 gallons per year.

The permittee shall provide written notice and receive written approval from the Division for Air Quality prior to barge loading liquids other than gasoline or Distillate.

**2. Emission Limitations:**

The sum of VOC emissions from emission points 11 and 12 shall not exceed 100 tons per year.

See SECTION D 1 of SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS.

**3. Testing Requirements:**

NA

**4. Specific Monitoring Requirements:**

NA

**5. Specific Record keeping Requirements:**

The permittee shall maintain a record which indicates the number and volume of the barges loaded each calendar quarter and provide such record to Division for Air Quality personnel upon request.

See also SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS.

## **SECTION B - Continued**

**6. Specific Reporting Requirements:**

The permittee shall submit, within 15 days following each December 31 and June 30, the records required by item 5 above to the Division for Air Quality's Florence Regional Office and a copy to the Division's Frankfort Central Office.

**7. Specific Control Equipment Operating Conditions:**

NA

**8. State-Origin Requirements**

NA

**9. Alternate Operating Scenarios:**

NA

**10. Compliance Schedule:**

NA

**11. Compliance Certification Requirements:**

The volume of gasoline loaded onto barges each calendar year shall be listed on the annual Compliance Certification Report (form DEP7007CC).

Determination of compliance with items 1 (Operating Limitations) and 2 (Emission Limitations) above shall be based on actual emissions calculated via emission factors entered, by the Division for Air Quality, in the Kentucky Emissions Inventory System (KYEIS) and throughput information supplied by the permittee on the DEP7007CC form.

See also SECTION F 8 of MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

See also SECTION D 1 of SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS.

**SECTION C - INSIGNIFICANT ACTIVITIES**

NA

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. The permittee shall not emit an amount of greater than or equivalent to one-half ton per year of any Hazardous Air Pollutants (HAP), as defined in 401 KAR 57:061 Section 1(3) not listed in the application in response to which this permit is issued without prior written notification to the Division for Air Quality.

The emissions of each individual HAP shall not equal or exceed ten (10) tons per year. The summation of all HAP emissions shall not equal or exceed twenty-five (25) tons per year.

Determination of compliance shall be based on actual emissions calculated via emission factors calculated and entered, by the Division for Air Quality, in the Kentucky Emissions Inventory System (KYEIS) and throughput information supplied by the permittee on the DEP7007CC form.

2. VOC (HAP) emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

## **SECTION E - CONTROL EQUIPMENT CONDITIONS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a) Date, place as defined in this permit, and time of sampling or measurements.
  - b) Analyses performance dates;
  - c) Company or entity that performed analyses;
  - d) Analytical techniques or methods used;
  - e) Analyses results; and
  - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records and copies of all reports required by the Division for Air Quality, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b) Have access to and copy, at reasonable times, any records required by the permit:
    - i) During normal office hours, and
    - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency; and
  - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Records of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division for Air Quality's Florence Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6. The owner or operator shall notify the Division for Air Quality for Air Quality's Florence Regional Office by telephone as promptly as possible any deviation from permit requirements, including those due to malfunctions, unplanned shutdowns, ensuing startups, or upset conditions. In accordance with Regulation 401 KAR 50:055, Section 1, the reports shall describe the probable cause of the deviations and corrective actions or preventive measures taken.
7. Emissions monitoring, analytical procedures, test methods, and averaging procedures shall be performed in accordance with 401 KAR 50:035, Section 7(1)(c), to demonstrate continuing compliance with applicable requirements.
8. The permittee shall certify compliance within 30 days after the anniversary date of permit issuance with the terms and conditions contained in this permit, including emission limitations and standards and work practices, to the Division for Air Quality for Air Quality's Florence Regional and Central Frankfort Office and the U.S. EPA in accordance with the following requirements:
  - a) Identification of each term or condition of the permit that is the basis of the certification;
  - b) The compliance status regarding each term or condition of the permit;
  - c) Whether compliance was continuous or intermittent; and
  - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).The permitting authority may require other facts beyond items a-d of condition #8 to determine the compliance status of the source, pursuant to 401 KAR 50:035, Section 7(2)(d). Instrumental or non instrumental monitoring, which may consist of record keeping, may be performed in addition to or in lieu of periodic testing to the extent necessary to yield reliable data for the purposes of demonstration of continuing compliance with the conditions of this permit.

## **SECTION G - GENERAL CONDITIONS**

### **(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c)3;
  - b) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - c) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division for Air Quality, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division for Air Quality, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. The permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the source after the date a complete permit application was submitted but prior to the release of the draft permit.



**SECTION G - GENERAL CONDITIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6).
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
11. This permit shall not convey property rights or exclusive privileges.
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of the issuance of the permit.

**(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for five years after the date of issuance. The permit shall become null and void after the expiration date unless a timely and complete renewal application has been submitted to the Division for Air Quality at least six months prior to the expiration date of the permit.
2. Notwithstanding the provisions in General Condition (b)1, if the permitting authority has received an application for renewal, deemed it administratively complete, and failed to reissue the permit for reasons other than cause, authorization to operate shall continue beyond the expiration date to the point of permit modification, reissuance, or revocation.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### **c) Permit Revisions**

1. A permit revision shall not be required for changes which are explicitly authorized by the conditions of this permit.
2. A permit revision shall not be required for changes that are part of an approved economic incentive, marketable permit, emission trading, or other similar program or process which is specifically provided for in this permit.
3. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

### **(d) Acid Rain Program Requirements**

NA

### **(e) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - i) An emergency occurred and the permittee can identify the cause of the emergency;
  - ii) The permitted facility was at the time being properly operated;
  - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - iv) The permittee notified the Division for Air Quality as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### **(f) Risk Management Provisions**

1. The permittee shall comply with all requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
  - a. Submit to the Division's Frankfort office, a Risk Management Plan and comply with the Risk Management Program by June 21, 1999 or a latter date specified by the U.S.EPA.
  - b. Submit additional relevant information if requested by the Division for Air Quality or U.S. EPA.

### **(g) Ozone depleting substances**

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

NA

## **SECTION I - COMPLIANCE SCHEDULE**

NA